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EXAMINER				
BAUM, RONALD				
ART UNIT		PAPER NUMBER		
2439				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeAction@ldlkm.com

Office Action Summary**Application No.**

09/869,816

Applicant(s)

INOKUCHI ET AL.

Examiner

RONALD BAUM

Art Unit

2439

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-5, 7-11, 49-63 and 87-95 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-5, 7-11, 49-63, 87-92 and 93-95 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 18 July 2011.
2. Claims 1-5, 7-11, 49-63, 87-92 and 93-95 are pending for examination.
3. Claims 1-5, 7-11, 49-63, 87-92 and 93-95 are rejected.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 July 2011 has been entered.

Prior Art's Broad Disclosure vs. Preferred Embodiments

As concerning the scope of applicability of cited references used in any art rejections below, as per MPEP § 2123, subsection R.5. Rejection Over Prior Art's Broad Disclosure Instead of Preferred Embodiments:

I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. Merck & Co. v. Biocryst Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also > Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005)(reference disclosing optional inclusion of a particular component teaches compositions that both do and do not contain that component);< Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention.). >See also MPEP § 2131.05 and § 2145, subsection X.D., which discuss prior art that teaches away from the claimed invention in the context of anticipation and obviousness, respectively.<

II. NONPREFERRED AND ALTERNATIVE EMBODIMENTS CONSTITUTE PRIOR ART Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Furthermore, "[t]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7, 8, 11, 49-55, 63, 87-92 and 93-95 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis et al, U.S. Patent 6,282,653 B1 (' Berstis ').

6. Berstis *generally* teaches and suggests (e.g., various aspects of Abstract, figures 1-7 and associated descriptions in general) the limitations set forth in the claims below, insofar as per claim 1; "An integrated data reproducing apparatus comprising:

a memory configured to store

copyrightable contents data,

subordinate data, and

right data [e.g., various aspects of figures 1-5 and 7 and associated descriptions, and more particularly figures 1-3, whereas the system for royalty collection for computer distributed/stored/reproduced (e.g., col. 2, lines 37-col. 4, line 9; '... data reproducing apparatus ...') copyright protected content (e.g., col. 1, lines 5-col. 4, line 9; '... contents data ...'), insofar as the source/target transfer encompasses processing elements/storage devices for any combination of source/target elements (e.g., col. 6, lines 6-col. 7, line 61; '... memory configured to store ...'), and said content(s) reproduction is logged, counted (e.g., col. 4, lines 45-col. 6, line 5; '... right data ...') – with appropriate copy control and

usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5; '... subordinate data ...'), clearly encompassing the claimed limitations as broadly interpreted by the examiner.],

said contents data including

at least one of

audio data and

video data [e.g., various aspects of figures 1-7 and associated descriptions, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content (e.g., col. 1, lines 5-col. 4, line 9; '... contents data ... at least one ... audio ... video ... '), clearly encompassing the claimed limitations as broadly interpreted by the examiner.],

said subordinate data including

a reproduction condition

label of said contents data [e.g., various aspects of figures 1-5 and 7 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, figures 1-3, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as the said content(s) reproduction is logged, counted – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5; '... subordinate data ... reproduction

condition label ... contents data '), clearly encompassing the claimed limitations as broadly interpreted by the examiner.], and

said right data indicating

a right to

reproduce said contents data [e.g., various aspects of figures 1-5 and 7 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, figures 1-3, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as the said content(s) reproduction is logged, counted (e.g., col. 4, lines 45-col. 6, line 5; '... right data ... right to reproduce ... ') – with appropriate copy control and usage/payment schemes updated, clearly encompassing the claimed limitations as broadly interpreted by the examiner.];

a reproducing unit configured to

reproduce said contents data [e.g., various aspects of figures 1-7 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content (e.g., col. 1, lines 5-col. 4, line 9; '... reproducing unit ... reproduce ... contents data '), clearly encompassing the claimed limitations as broadly interpreted by the examiner.];

a controller configured to

control said reproducing unit
to reproduce said contents data
based on
said right data, and
to change said right data
based on
said subordinate data
when

said contents data are reproduced [e.g., various aspects of figures 1-7 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the system for royalty collection for computer distributed/stored/reproduced (e.g., col. 2, lines 37-col. 4, line 9; '... controller configured ... control said reproducing ... reproduce said contents ... ') copyright protected content, insofar as the source/target transfer encompasses processing elements/storage devices for any combination of source/target elements (e.g., col. 6, lines 6-col. 7, line 61; '... controller configured ... control ... reproducing ... change said right ... '), and said content(s) reproduction is logged, counted (e.g., col. 4, lines 45-col. 6, line 5; '... right data ...') – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5; '... subordinate data ...'), clearly

encompassing the claimed limitations as broadly interpreted by the examiner.];

and

an interface

that safely exchanges data

with an external apparatus

by encrypting the data [e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality (e.g., col. 7, lines 30-61; SSL, IPsec, IPv6, etc.; ‘... encrypting the data ...’) via the interface between the Web appliance (‘... interface ... safely exchanges data ... external ...’) and the network/associated support interfacing (e.g., motherboard I/O, power, interfacing etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner.],

said reproduction conditions label

identifying a charge type among the charge types of

buying type,

gross type and

degree type, and

respectively specifying the charge conditions [e.g., various aspects of figures 1-7 and associated descriptions, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged, counted – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, such that pay-per-copy, subscription based, IOU, preview (i.e., no charge scenario), etc.; ‘... reproduction conditions ... identifying a charge type ... charge conditions ’), clearly encompassing the claimed limitations as broadly interpreted by the examiner.],
said memory storing at least one of

information concerning

a number of occurrences in which

said contents is reproduced and

information concerning

an amount of time during which

said contents is reproduced [e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 2-5, col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the

system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged, counted (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, insofar as concerning the expiration date for a number of copies to permit to be reproduced with associated royalty collection/management; '... number of occurrences ... amount of time ... contents is reproduced ...') – with appropriate copy control and usage/payment schemes updated, clearly encompassing the claimed limitations as broadly interpreted by the examiner.],

said information concerning

a number of occurrences in which

said contents is reproduced and/or

said information concerning

an amount of time during which

said contents is reproduced

being updated

upon reproduction of contents [e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 2-5, col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged, counted (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col.

6, line 5, insofar as concerning the expiration date for a number of copies to permit to be reproduced with associated royalty collection/management; '... information ... number of occurrences ... amount of time ... contents is reproduced ... updated ... ') – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, such that pay-per-copy, subscription based, IOU, preview (i.e., no charge scenario), etc.; '... upon reproduction of contents ', clearly encompassing the claimed limitations as broadly interpreted by the examiner.], and said at least one of

information concerning

a number of occurrences in which

said contents is reproduced and

information concerning

an amount of time during which

said contents is reproduced

being transmitted through said interface

in support of the updating

that occurs upon reproduction,

the right data including

an encrypted use period and

a key for decrypting

the encrypted use period [*e.g., various aspects of figures 1-7 and*

associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, col.

2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage (e.g., number of usage copies and time allowed for usage per se)/payment schemes (e.g., compensation per transaction, copy, rendering time, etc.,) updated), and subsequently forwarded externally to royalty collection/processing across the Internet (i.e., the management server aspects; col. 5, lines 32-col. 6, line 5, col. 7, lines 1-61, col. 8, lines 1-55; '... information concerning ... number ... amount of time ... transmitted ... interface ... updating ... reproduction ') – inclusive of the various secured TCP/IP packet cryptographic functionality (e.g., figure 2, 3 and associated descriptions, and more particularly col. 7, lines 1-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11; whereas WEB communications encompasses SSL, IPsec, IPv6, etc.,) via the interface between the Web appliance and the network/associated support interfacing, clearly encompassing the claimed limitations as broadly interpreted by the examiner.].

Further, as per claim 11, this claim is the method claim for the apparatus claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

Further, as per claim 49, this claim is the apparatus embodiment of claim 1 for the case where the reproduction rights indicate the content reproduction is billable (i.e., a financial transaction is involved for reproduction as per the reproduction rights), and is rejected for the same reasons provided for the claim 1 rejection, insofar as upon appropriate copy control and usage/payment schemes appropriately updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, applicable to the pay-per-copy, subscription based, IOU (i.e., charging scenarios), preview (i.e., no charge scenario), etc., aspects), clearly encompassing the claimed limitations as broadly interpreted by the examiner.

7. Claim 2 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 1, wherein

said subordinate data includes

identifiers of said contents data and

said memory

stores a log of an identifier of decoded contents data

when said contents data is decoded”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged (e.g., col. 5, lines 31-col. 6, line 5, insofar as concerning the IOU scheme where while copies are made, the copying event (e.g., identifier of what content copied, when, how, etc.,) is saved (i.e., logged as stored in memory per se) for

subsequent associated royalty collection/management; '... subordinate data ... identifiers of said contents data ... memory ... stores a log of an identifier ... contents data is decoded ... '), counted – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, such that pay-per-copy, subscription based, IOU, preview (i.e., no charge scenario), etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

8. Claim 3 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 1, further comprising

an interface

that safely exchanges data

with an external apparatus

by encrypting the data,

wherein said right data

is transmitted through the interface.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11, figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded

externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality (e.g., figure 2, 3 and associated descriptions, and more particularly col. 7, lines 30-61; whereas WEB communications encompasses SSL, IPsec, IPv6, etc.) via the interface between the Web appliance ('... interface ... safely exchanges data ... external ...') and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O, power, interfacing etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 89, this claim is the method claim for the apparatus claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

9. Claim 4 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 3, wherein the interface has
a contactless communicating unit.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A-7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed, and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality via the interface between the Web appliance and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O interfacing

remote control interface – via infrared interfacing; '... interface has ... contactless communicating ...'), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 90, this claim is the method claim for the apparatus claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

10. Claim 5 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 4, wherein

the interface

has an electric power receiving unit; and

the data stored in said memory

can be accessed through said interface

by receiving power through said interface.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed, and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality via the interface between the Web appliance and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O, memory bus, power, interfacing etc., insofar as power supplied is necessary for the motherboard to perform all

other processing/interfacing/storage functions; '... interface has an electric power receiving ... data stored ... accessed ... receiving power '), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 91, this claim is the method claim for the apparatus claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

11. Claim 92 **additionally** recites the limitation that; "The data reproducing method according to claim 11, further comprising the step of

transmitting a reproduction log
through an interface.".

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality (e.g., figure 2, 3 and associated descriptions, and more particularly col. 7, lines 30-61; SSL, IPsec, IPv6, etc.; '... transmitting a reproduction log ...') via the interface between the Web appliance ('... through an interface ...') and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O, power,

interfacing etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

12. Claim 7 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 1, wherein said interface has
a contactless communicating unit.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A-7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed, and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality via the interface between the Web appliance and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O interfacing remote control interface – via infrared interfacing; ‘... interface has ... contactless communicating ...’), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 94, this claim is the method claim for the apparatus claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

13. Claim 8 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 7, wherein

said interface has
an electric power receiving unit and
the data stored in said memory
can be accessed
through said interface
by receiving power
through said interface.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed, and subsequently forwarded externally to royalty collection/processing across the Internet – inclusive of the various secured TCP/IP packet cryptographic functionality via the interface between the Web appliance and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O, memory bus, power, interfacing etc., insofar as power supplied is necessary for the motherboard to perform all other processing/interfacing/storage functions; ‘... interface has an electric power receiving ... data stored ... accessed ... receiving power’), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 95, this claim is the method claim for the apparatus claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

14. Claim 50 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 49, wherein when the decoded contents data is free,
the controller does not change
said right data
stored in said memory.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged, counted – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5, such that pay-per-copy, subscription based, IOU, preview (i.e., no charge scenario; ‘... when the decoded contents data is free ...’), etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

15. Claim 51 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 49, further comprising
a converting unit
configured to convert output contents data
outputted from the decoding unit
into an analog signal.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to: (1) royalty collection/processing across the Internet via the interface between the Web appliance and the network/associated support interfacing, and (2) the target or rendering conversion/interfacing aspects (e.g., col. 3, lines 54-65, col. 12, lines 8-col. 9, line 34; audio/video as rendered for the user/subscriber; '... outputted ... an analog signal ...'), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

16. Claim 52 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 49, wherein history information
of the decoded data
are stored in said memory.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is logged (e.g., col. 5, lines 31-col. 6, line 5, insofar as concerning the IOU scheme where while copies are made, the copying event (e.g., identifier of what content copied, when, how, etc.,) is saved (i.e., logged as stored in memory per se; '... said

second storage ...') for subsequent associated royalty collection/management; '... history ... stored ... '), counted – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35–col. 4, line 8, col. 4, lines 45–col. 6, line 5, such that pay-per-copy, subscription based, IOU, preview, etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

17. Claim 53 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 52, further comprising

a communicating unit,

wherein

the history information and

the right data

are transmitted

to an external apparatus

through the communicating unit.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to royalty collection/processing across the Internet via the interface between the Web appliance and the network/associated support interfacing (e.g., col.

12, lines 8-68; motherboard I/O, power, interfacing, communications, etc.; '... communicating unit ... history ... right data ... transmitted ... external ...'), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

18. Claim 54 ***additionally recites*** the limitation that; "The integrated data reproducing apparatus according to claim 53, wherein an operation power is supplied
to the apparatus
from an exterior source
through the communicating unit.".

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to royalty collection/processing across the Internet via the interface between the Web appliance and the network/associated support interfacing (e.g., col. 12, lines 8-68; motherboard I/O, power, interfacing, communications, etc., insofar as power supplied is necessary for the motherboard to perform all other processing/interfacing/storage functions; '... operation power is supplied ... from an exterior ... right data ... through the communicating unit '), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

19. Claim 55 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 49, wherein the decoding unit comprises

a decoder

configured to decode

an encryption performed on

the contents data and

a decompressing unit

configured to decompress

the data decoded by the decoder.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as said content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage/payment schemes updated), and subsequently forwarded externally to: (1) royalty collection/processing across the Internet via the interface between the Web appliance and the network/associated support interfacing, and (2) the target or rendering conversion/interfacing aspects (e.g., col. 8, lines 56-col. 9, line 34, col. 3, lines 54-65; audio MP3/video JPEG as decoded/decrypted for rendering for the user/subscriber; '... decoder ... to decode ... encryption ... contents data ... decompressing ... decompress ') subsequent to content have been protected by cryptographic processing prior to source storage/transfer to target storage – inclusive of the various secured TCP/IP packet cryptographic

functionality (e.g., SSL, IPsec, IPv6, etc.), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

20. Claim 63 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 49, wherein

when the right data stored said memory unit indicate that
the decoded contents data
cannot be reproduced,
said controller stops the decoding process.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, insofar as the source/target transfer encompasses processing elements/storage devices for any combination of source/target elements (e.g., col. 6, lines 6-col. 7, line 61; ‘... right data ... indicate ... decoded digital data cannot be reproduced ... stops the decoding process ’), and said content(s) reproduction is logged, counted (e.g., col. 4, lines 45-col. 6, line 5; ‘... right data ...’) – with appropriate copy control and usage/payment schemes updated (e.g., col. 2, lines 35-col. 4, line 8, col. 4, lines 45-col. 6, line 5), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

21. Claim 87 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 1, wherein

said contents data includes at least one of

audio data,

video data,

still image data,

character data,

computer graphic data,

game software, and

a computer program.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, inclusive of (e.g., col. 5, lines 16-col. 6, line 5; ‘... contents data includes ...’), insofar as said content(s) reproduction is processed, and subsequently forwarded to royalty collection/processing across the Internet via the interface between the Web appliance, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

22. Claim 88 ***additionally recites*** the limitation that; “The integrated data reproducing apparatus according to claim 49, wherein

said contents data includes at least one of

audio data,
video data,
still image data,
character data,
computer graphic data,
game software, and
a computer program.”.

The teachings of Berstis are directed towards such limitations (e.g., various aspects of figures 1-7 and associated descriptions, and more particularly figures 1-3, 6A, 6C and 7, whereas the system for royalty collection for computer distributed/stored/reproduced copyright protected content, inclusive of (e.g., col. 5, lines 16-col. 6, line 5; ‘... contents data includes ...’), insofar as said content(s) reproduction is processed, and subsequently forwarded to royalty collection/processing across the Internet via the interface between the Web appliance, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 9, 10, 56-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al, U.S. Patent 6,282,653 B1 (' Berstis ') in view of Downs et al, U.S. Patent 6,226,618 B1 (' Downs ').

Berstis *generally* teaches and suggests (i.e., Abstract, figures 1-7 and associated descriptions in general) the limitations set forth in the claims 9, 10, 56-61 below (e.g., col. 2, lines 35-col. 4, line 8, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11; usage and payment management via certified or trusted source (storage) and target (rendering and/or storage) apparatus of copyrightable content, insofar as said content is protected such that the digital content usage and payment management supports the copy/reproduction rights of the content author/creator (i.e., copyright royalty management), when said content moves from source to target apparatus.

Berstis does not *explicitly* teach of the aspects of creating/*securely* binding the copy/reproduction rights of the content author/creator to the content prior to forwarding to the Berstis source (storage) apparatus (e.g., creating/associating of cryptographic encryption/decryption public/private key(s), author, author royalty/reproduction rights, etc..).

Downs teaches of the watermarking the content and associated content usage/rights/license management information (e.g., col. 6, lines 49-64, col. 7, lines 40-col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62, etc..), whereas the watermarking aspect deals with the aspects of *securely* binding the copy/reproduction rights of the content author/creator to the content *prior to forwarding* to the Berstis source (storage) apparatus. Further, while the Downs system generally deals with similar usage and payment management aspects – in addition to the copy/reproduction rights – as taught in Berstis, Downs

is more explicit as to the binding to the contents aspects, encompassing the watermarking aspect, insofar as binding the additional information to the content prior to distributing the content (i.e., to the Berstis source across a network/Internet).

However, the examiner asserts that it would have been obvious to one ordinary skill in the art at the time the invention was made for the Berstis system encompassing the usage/payment management for copyrightable content via source/target (storage/rendering) apparatus (insofar as said content with said usage/payment management information is created and bound to the content prior to securely arriving at the Berstis source), to encompass the watermarking of the usage/payment management rights information at the content distribution source, prior to forwarding to the Berstis source storage apparatus. Such motivation, as applied to the claims, would be obvious in light of the Berstis source (storage) requiring more *stringent protection of stored rights*, insofar as protecting the said rights from compromise (i.e., protected via Downs watermarking the content with the associated Berstis rights/usage information), from Downs origination to Berstis 'source' to 'target', assures the Berstis rights/usage information enforcement.

24. Claim 9 ***additionally recites*** the limitation that; "The integrated data reproducing apparatus according to claim 1, wherein

when the contents data are decoded,

a decoding condition is embedded

as a watermark

into the output data."

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40-41, col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62; '... data are decoded ... decoding condition is embedded ... watermark ... output data ...'), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

Further, as per claim 96, this claim is the method claim for the apparatus claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

25. Claim 10 *additionally recites* the limitation that; "The integrated data reproducing apparatus according to claim 9, wherein when the contents data includes a watermark,

the contents data can be decoded when

the watermark

is the same as

the decoding condition."

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said

content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62; '... when the contents data includes a watermark ... data can be decoded ... watermark ... same as ... decoding condition '), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

26. Claim 56 *additionally recites* the limitation that; "The integrated data reproducing apparatus according to claim 49, further comprising
- a watermark detecting unit
 - for detecting
 - whether a watermark has been added to output data
 - outputted from the decoding unit,
 - wherein when the watermark is not detected
 - from the decoded data,
 - the decoded data are outputted."

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as

taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

27. Claim 57 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 56, wherein

when the data regarding the decoding conditions

are included in the watermark

detected by the watermark detecting unit,

the controller collates

the output data with

the data regarding the decoding conditions

extracted from the decoded subordinate data and

outputs the decoded data

from the decoding unit

when the data

corresponding to the decoding conditions

detected by the watermark detecting unit

coincides with the data

corresponding to the reproducing conditions

extracted from the decoded subordinate data
stored in the first storage.”.

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

28. Claim 58 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 56, wherein

when the data regarding the decoding conditions

detected by the watermark detecting unit

does not coincide with the data

regarding the reproducing conditions

extracted from the decoded subordinate data

stored in the first storage,

the controller does not output

the decoded contents data

from the decoding unit.”.

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

29. Claim 59 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 58, wherein

said decoding unit further includes

a decoding conditions detecting unit

configured to extract the data

regarding the decoding conditions

from the decoded contents data.”.

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as

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taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

30. Claim 60 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 57, further comprising

a watermark adding unit
configured to add a watermark
formed on the basis of the data
regarding the decoding conditions,
wherein when the watermark cannot correctly be detected
from the decoded contents data
outputted from said decoding unit by
the watermark detecting unit,
the watermark adding unit
forms the watermark and
adds the watermark to
the decoded contents data.”.

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly

figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40- col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

31. Claim 61 *additionally recites* the limitation that; “The integrated data reproducing apparatus according to claim 60, wherein

when the watermark is correctly detected

from the decoded contents data

from the decoding unit by

said watermark detecting unit,

said watermark adding unit

does not add the watermark to

the decoded contents data.”.

The teachings of Berstis in view of Downs are directed towards such limitations, as described above (e.g., Berstis, figures 1-7 and associated descriptions, and more particularly figures 2-5, whereas the system for content usage/payment management, insofar as said content(s) reproduction associated, copy control and usage/payment security is enhanced as taught by Downs watermarking of the rights information (e.g., col. 6, lines 49-64, col. 7, lines 40-

col. 8, line 5, col. 11, lines 30-54, col. 12, lines 37-42, col. 22, lines 8-52, col. 24, lines 47-62), insofar as watermarking controls the decoding authorization upon matching the embedded watermarking to the condition per se, clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.).

32. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis et al, U.S. Patent 6,282,653 B1 (' Berstis ').

33. Claim 62 *additionally recites* the limitation that; "The integrated data reproducing apparatus according to claim 49, wherein

said decoding unit,

said memory, and

said controller

are constructed as one chip."

The teachings of Berstis *generally* teaches and suggests (i.e., various aspects of Abstract, figures 1-7 and associated descriptions in general) the limitations set forth in the claims 9, 10, 56-61 below (e.g., col. 2, lines 35-col. 4, line 8; usage and payment management via certified or trusted source (storage) and target (rendering and/or storage) apparatus of copyrightable content, insofar as said content is protected such that the digital content usage and payment management supports the copy/reproduction rights of the content author/creator (i.e., copyright royalty management), when said content moves from source to target apparatus.

Berstis does not *explicitly* teach of the aspects of a structurally integrated (i.e., constructed as a single chip) decoding unit, second storage, and controller apparatus.

However, as per MPEP § 2114.04 V B pertaining to not distinguishing the claim from the prior art (e.g., “that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of *obvious engineering choice*.”, In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).), the integration of the decoding apparatus decoding unit, second storage, and controller elements would be “a matter of *obvious engineering choice*”.

Response to Arguments

34. As per applicant’s argument concerning the lack of teachings of Berstis (and the in view of Downs USC 103 variations) of the various claimed – as amended – aspects of the right data/encrypted use period with key transferred thru the interface encrypted for subsequent decryption, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive.

As per the at least the claims 1, 3, 53 and 89 rejections above, insofar as the interface and encrypted communications via HTTPS Web based Internet protocols, content(s) reproduction is processed (i.e., content/reproduction associated data logged, counted – with appropriate copy control and usage (e.g., number of usage copies and time allowed for usage per se)/payment schemes (e.g., compensation per transaction, copy, rendering time, etc.,) updated), and subsequently ***forwarded externally*** to royalty collection/processing across the Internet (i.e., the management server aspects; ‘... information concerning ... number ... amount of time ... transmitted ... interface ... updating ... reproduction’) – inclusive of the various ***secured*** TCP/IP

packet cryptographic functionality (e.g., figure 2, 3 and associated descriptions, and more particularly col. 2, lines 42-47, col. 5, lines 12-16, col. 5, lines 32-col. 6, line 5, col. 7, lines 1-28, col. 7, lines 30-61, col. 8, lines 1-55, col. 8, lines 56-col. 10, line 11; whereas WEB *communications* encompasses SSL, IPsec, IPv6, etc.) via the *interface* between the Web appliance and the network/associated support interfacing.

More succinctly, the source content author establishes control over copyrighted content transferrable over the WEB – post copying – (col. 2, lines 42-47); the client network/source device so involved performs appropriate copy protection and royalty management in part via at least software on the client (col. 5, lines 12-16) – in communications with the appropriate copy protection and royalty management network server, database(s), routing, etc., elements; the payment/royalty options include copy then pay – while online – with royalty processing, *or*, IOU based with copy while possibly offline and go online to pay/process royalties (col. 5, lines 32-col. 6, line 5); the source/target and client/network processing elements (e.g., source to destination, either to royalty/payment processing nodes) communications per se are secured via at least the HTTPS protocols (e.g., SSL, IPsec, IPv6, etc.), which include public key cryptographic aspects inclusive of digital certificate key management – a key sent with public key encrypted content (col. 7, lines 1-28, col. 7, lines 30-61); the payment/royalty options processing/management done via network processing elements (e.g., servers, etc.) – communications with is likewise done at least using HTTPS protocols (col. 8, lines 1-55); and the actual payment/royalty options processing/management, includes the processing of the copy protection accounting/auditing aspects which encompass at least the copy/reproduction count(s) involved during the authorized copy/reproduction, and any timing constraint issues (e.g., how

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long or time for reproduction aspects) involved with royalty compensation (col. 8, lines 56-col. 10, line 11), clearly encompassing the claimed limitations as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.

Therefore, the amended at least claim 1 aspect dealing with the right data/encrypted use period with key transferred thru the interface encrypted for subsequent decryption limitation - although further limiting claim 1 via addressing securing the transfer of right information across the interface, fails to distinguish the encrypted communications aspects over the prior art (i.e., communications over the WEB via HTTPS include the encrypting of content, certificate based public key cryptographic processes - inclusive of effectively sending a key with the content that can be used as part of a decryption associated with the content).

Conclusion

35. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad, can be reached at (571) 272-7884. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2439

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